

Remarks

I. Introduction

With the cancellation herein, without prejudice, of claims 18 to 20, claims 15 to 17 and 21 to 30 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Double Patenting Rejections

Regarding the double patenting rejections, while these rejections are not agreed with, to facilitate matters, Applicants are prepared to file Terminal Disclaimer(s) upon withdrawal of all other rejections and an indication that the present application is otherwise in condition for immediate allowance.

III. Rejection of Claims 15, 17 to 27 and 29 to 30 Under 35 U.S.C. § 102(b)

Claims 15, 17 to 27 and 29 to 30 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,322,681 (“Weyl”). Applicants respectfully submit that Weyl does not anticipate claims 15, 17 to 27 and 29 to 30 for at least the following reasons.

Claim 15, as presented, relates to a gas sensor including, in relevant part, a spring element clamping a press-on body against a sensor element, the spring at least partially gripping around the press-on body, the spring element being designed as a spring ring and having a groove. The spring element of claim 15 grips around the press-on body and has a spring section resting against the press-on body, in a clamped state the spring section being deformed in a direction which has an essential component parallel to a longitudinal axis of the sensor element. Support for this amendment may be found, for example, in Figures 2 and 3, as well as cancelled claim 20. The Final Office Action refers to Weyl at Figures 1 and 2C-2E as disclosing a spring element having a groove. Weyl discloses a spring element 1 having a variety of forms, disclosed over Figures 2C-2E, however, none of these forms disclose, or even suggest, the spring element of claim 15, having a groove.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of*

Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Weyl describes spring wire rings in Figures 2C-2E. As evident from these figures, the spring wire rings of Weyl do not have any grooves, but instead have ring shapes that continuously weave in and out of the general circumference of the spring wire rings. The distance of the ring’s edge to the center of the ring changes throughout the circumference of the ring. Weyl instead describes a ring that consists entirely of a spring or wave-like form; any potential groove is not singularly identifiable. This wave-like form does not anticipate the groove of claim 15.

While Applicants do not necessarily agree with the rejection, to facilitate matters claim 15 has been amended herein, without prejudice. Weyl does not disclose, or even suggest, a spring section in a clamped state being deformed in a direction which has an essential component parallel to a longitudinal axis of the sensor element. The Final Office Action refers to Weyl at column 3, lines 52 to 62, however, the cited portion of Weyl merely describes a greater force being exerted symmetrically against two half-shells, pressing them against the supporting contact points through the inside wall of protective sleeve 8. The cited disclosure does not make any mention of deforming the spring element, and further does not describe a deformation in the direction of the longitudinal axis of the sensor element. In addition, Weyl does not disclose, or even suggest, a spring section. As the entirety of the spring wire rings of Weyl are part of the wave-like form, no specific spring section exists as featured in claim 15, as presented.

Weyl does not disclose each and every element of claim 15. Accordingly, Weyl does not anticipate claim 15, or its dependent claims 17, 21 to 27 and 29 to 30. Claims 18 to 20 have been cancelled herein, without prejudice, rendering moot the rejection with respect to these claims.

Further, with respect to claims 21 to 25, even if the spring wire rings of Weyl were considered to have grooves, which Applicants do not concede, the spring wire rings do not have grooves as featured in dependent claims 21 to 25. Weyl does not disclose, or even suggest, a groove on the side of a spring element facing away

from the press-on body. Weyl also does not disclose, or even suggest, a spring section having a groove centrally situated. The spring wire rings of Weyl are part of a form that lends no identification of a specific spring section, and certainly does not place any groove centrally in such a spring section. Weyl also does not disclose, or even suggest, a groove having at least one of an oblong and a wedge-shaped design with a rounded end in the direction of the spring section. Nor does Weyl disclose, or even suggest, a spring section that is a radially inward oriented, tongue-shaped area, or two spring sections that are substantially diametrically opposing one another. The forms of Weyl that the Final Office Action considers to be grooves are not described in any semblance of symmetry, and thus are not diametrically opposing one another. The cited portion of Weyl, Figures 2C through 2E, discloses or suggests no such structure.

Withdrawal of this rejection is therefore respectfully requested.

IV. Rejection of Claims 15 to 25 Under 35 U.S.C. § 102(b)

Claims 15 to 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0025522 (“Kojima”). Applicants respectfully submit that Kojima does not anticipate claims 15 to 25 for at least the following reasons.

Claim 15, as more fully explained above, includes a feature of a spring element being designed as a spring ring and having a groove. The Final Office Action refers to the spring plate 223, which is clearly not designed as a spring ring. Kojima does not disclose each and every element of claim 15.

Further, Kojima does not disclose, or even suggest, a spring section in a clamped state being deformed in a direction which has an essential component parallel to a longitudinal axis of the sensor element. The Final Office Action merely asserts that the insertion force, when the sensor element 15 is inserted into the insulation spacers 221 and 222 and spring plate 223, would deform the spring plate in a direction parallel to the longitudinal axis of the sensor element. Applicants respectfully assert that any deformation of the spring plate 223 would not be in the direction parallel to the longitudinal axis of the sensor element, but instead in a direction perpendicular to the longitudinal axis.

Accordingly, Kojima does not anticipate claim 15, or its dependent claims 16, 17 and 21 to 25. Claims 18 to 20 have been cancelled herein, without prejudice, rendering moot the rejection with respect to these claims.

Withdrawal of this rejection is therefore respectfully requested.

V. Rejection of Claim 16 Under 35 U.S.C. § 103(a)

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Weyl in view of U.S. Patent No. 6,082,175 (“Yoshikawa”). Applicants respectfully submit that the combination of Weyl and Yoshikawa does not render unpatentable claim 16.

Claim 16 depends from claim 15 and therefore incorporates all of the features of claim 15. As more fully explained above with respect to claim 15, Weyl does not disclose all of the features of claim 15. Yoshikawa does not cure the critical deficiencies of Weyl. Therefore, the combination of Weyl and Yoshikawa does render unpatentable claim 15, or its dependent claim 16.

Withdrawal of this rejection is therefore respectfully requested.

VI. Rejection of Claim 28 Under 35 U.S.C. § 103(a)

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Weyl or Kojima. Applicants respectfully submit that neither Weyl or Kojima render unpatentable claim 28 for at least the following reasons.

Claim 28 depends from claim 15 and therefore incorporates all of the features of claim 15. As more fully explained above with respect to claim 15, neither Weyl nor Kojima discloses a spring element having a groove. Therefore, neither Weyl nor Kojima discloses, or even suggests, all of the features of claim 15, or its dependent claim 28.

Withdrawal of this rejection is therefore respectfully requested.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

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